



PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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FOR: **EXECUTION SETS FOR GENERATED LOGS**

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APPEAL BRIEF

In response to the Advisory Action dated April 25, 2006 and the Final Office Action dated February 2, 2006, finally rejecting Claims 1-7 under 35 U.S.C. §102(e), Applicant appeals pursuant to the Notice of Appeal filed on May 1, 2006 and submits this Appeal Brief.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: September 1, 2006


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1. Real Party in Interest

The real party in interest is Mitel Knowledge Corporation, the assignee of the entire right, title, and interest in and to the subject application by virtue of an assignment of record.

2. Related Appeals and Interferences

None.

3. Status of Claims

Claims 1-7 are pending, stand rejected, and are under appeal. Claims 1 and 4 are the independent claims.

A copy of the Claims as pending is presented in the Appendix.

4. Status of Amendments

Claims 1, 2, 4, and 5 were added by the Amendment under 37 C.F.R. §1.111, dated October 14, 2004. This Amendment was entered.

Claims 1 and 4 were amended and Claims 6 and 7 were added by the Amendment under 37 C.F.R. §1.111, filed July 19, 2005. This Amendment was entered.

5. Summary of Claimed Subject Matter

The present invention relates generally to network administration, and more specifically, to a system and method for triggering commands in response to receipt of status logs generated by network devices and applications.

Referring to Claim 1, a network administration system is claimed for triggering commands in response to receipt of status logs generated by network devices and applications, the network administration system including means for receiving said status logs and generating higher level logs in response to receipt of at least two different status logs which satisfy predetermined rule sets (see for example, Figure 1, element PBX2), a user interface for programming execution sets of commands in association with predetermined ones of said higher level logs (see for example, Figure 4), and program means for receiving said higher logs, parsing each of said predetermined ones of said higher level logs to determine their respective sources, and triggering execution of said commands in said execution sets in respect of each of said respective sources (see for example, Figure 5 and page 4, line 12 through page 5, line 1).

Referring to Claim 4, a method of triggering commands in response to receipt of status logs generated by network devices and applications is claimed, the method including providing rule sets that are satisfied by receipt of particular combinations of at least two different status logs and when satisfied, result in the generation of higher level logs (see for example, page 4, lines 5-6), programming execution sets of said commands in association with predetermined ones of said higher level logs (see for example, page 4, lines 6-8), receiving said status logs and said higher level logs (see for example, page 3, lines 25-30), and parsing each of said predetermined ones of said higher level logs to determine their respective sources and triggering

execution of said commands in said execution sets in respect of each of said respective sources (see for example, page 3, lines 22-23 and page 4, lines 8-10).

Referring now to Claim 6; Claim 6 recites a means for receiving said status logs and generating higher level logs includes means for generating further higher level logs in response to receipt of at least one of: a) at least two different higher level logs; and b) at least one higher level log and at least one status log (see for example, page 2, lines 31-34).

6. Grounds of Rejection to be Reviewed on Appeal

A. Claims 1 and 4 have been rejected under 35 U.S.C. 102(e), as being anticipated by United States Patent No. 6,493,755 to Hansen.

7. **Argument**

A. **The Claim Rejections Under 35 U.S.C. 102(e) Are Legally Deficient.**

Under 35 U.S.C. §102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. See MPEP §2131.

i. **Claims 1 and 4**

It is respectfully submitted that at the very least, Hansen is legally deficient to establish a case of anticipation against independent Claims 1 and 4.

Hansen teaches a system for automatic notification of status changes of a device that is connected to a network. The device is monitored for activity and the present state at any time is reported to a network management application. The application executes a notification action when the device activity falls within predetermined criteria, referred to as a notification rule (see Abstract).

Hansen does not teach “means for receiving said status logs and generating higher level logs in response to receipt of at least two different status logs which satisfy predetermined rule sets,” nor “providing rule sets that are satisfied by receipt of particular combinations of at least two different status logs and when satisfied, result in the generation of higher level logs” as claimed in Claims 1 and 4, respectively.

In support of the rejection, in the Advisory Action the Examiner points to the paragraph of Hansen teaching, “a reference to a notification action to be performed upon triggering of the notification rule 206 is also included in creation of a notification rule. Specifically, when the set

of event conditions describing the present state of the device satisfies the set of predetermined conditions defined by the notification rule, the notification rule causes the preselected notification action to be taken. In addition, the notification action 210 may be tested via the test mode 212" (see col. 5, lines 14-21).

The Examiner equates this teaching of Hansen with Applicant's recited "means for receiving said status logs and generating higher level logs in response to receipt of at least two different status logs which satisfy predetermined rule sets" (see Claim 1).

Evidently, the Examiner is construing the Hansen's reference and Claim 1 as follows:

<u>Claim 1</u>	<u>Hansen</u>
"at least two different status logs"	"set of conditions describing the present state of the device"
"predetermined rule sets"	"notification rule"
"higher level logs"	"preselected notification action"

Claim 4 includes substantially similar limitations as Claim 1.

In support of the above-interpretation, the Examiner suggests that Hansen teaches that "notification actions" may include "logging event messages to a network log" (col. 4, lines 39-45).

The Examiner's interpretation and construction is fundamentally flawed.

As stated by the *en banc* CAFC decision in *Phillips v. AWH Corp.* (Fed. Cir. 2005), 35 USC 112 requires that the specification necessarily informs the proper construction of the claims.

Claims 1 and 4 recite "status logs generated by network devices." A proper construction of the claim language is informed by the specification at page 3, lines 9-15, describing an exemplary network in which each of the network devices "has the capability of generating logs

to inform a technician of the device status.” Applying this construction to Hansen, it is clear that Applicant’s claimed “status logs generated by network devices” are most analogous to the “preselected notification action” being taken in Hansen as a result of the “set of conditions describing the present state of the device” satisfying “the set of predetermined conditions defined by the notification rule” (see col. 5, lines 16-20 of Hansen). Note that Hansen teaches that “notification actions” perform “logging event messages to a network log” (col. 4, lines 39-45) – the notification actions are the source of logs. No other logs or logging are taught by Hansen.

In detail, the only time anything resembling a log is referred to in Hansen is at column 4, lines 39-45, where it is disclosed that one of the actions defined by the notification rule can be “logging event messages to a network log.” Again, the reference specifically states in column 4, that events are changes in status of a network device. Thus, when the change in status occurs, the status is logged in an event log. This is not analogous to the generation of a higher level log in response to receipt of two different status logs, essentially as claimed in Claims 1 and 4.

Accordingly, Hansen does not teach “generating higher level logs in response to receipt of at least two different status logs which satisfy predetermined rule sets”, as claimed in Claim 1, nor “providing rule sets that are satisfied by receipt of particular combinations of at least two different status logs and when satisfied, result in the generation of higher level logs” as claimed in Claim 4, as generating higher level logs would necessarily occur subsequent to the preselected notification action of Hansen – the preselected notification action of Hansen does not have such logs available to it for generating higher level logs.

Hansen is silent on “higher level logs” generated in response to receipt of two different status logs. Hansen appears only to teach logging performed as a notification action. Therefore, Hansen fails to teach all the limitations of Claims 1 and 4. Accordingly, Claims 1 and 4 are

believed to be in condition for allowance.

Claims 2, 3, and 6 depend from Claim 1. Claims 5-7 depend from Claim 4. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 4, respectively.

ii. **Claim 6**

Referring to Claim 6, the Examiner asserted that Claim 6 is taught at column 4, lines 39-45. Claim 6 claims, "wherein said means for receiving said status logs and generating higher level logs includes means for generating further higher level logs in response to receipt of at least one of:

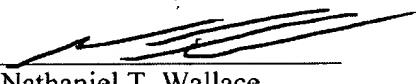
- a) at least two different higher level logs; and
- b) at least one higher level log and at least one status log."

Nowhere in Hansen are higher level logs taught or suggested, much less the claimed further higher level logs as claimed in Claim 6. As shown with respect to Claims 1 and 4, Hansen teaches only the logging of an event message to a network log. Hansen does not teach or suggest "further higher level logs in response to receipt of at least one of: a) at least two different higher level logs; and b) at least one higher level log and at least one status log" as claimed in Claim 6. Therefore, Hansen fails to teach or suggest all the limitations of Claim 6. Accordingly, Claim 6 is believed to be allowable.

B. CONCLUSION

The claimed invention is not disclosed by the teachings of the applied prior art reference. Moreover, the Examiner has failed to establish a case of anticipation under 35 U.S.C. §102 against independent Claims 1 and 4 over Hansen. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 4. Accordingly, it is respectfully requested that the Board overrule the rejections of Claims 1-7.

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8. CLAIMS APPENDIX

What is claimed is:

1. A network administration system for triggering commands in response to receipt of status logs generated by network devices and applications, comprising:
means for receiving said status logs and generating higher level logs in response to receipt of at least two different status logs which satisfy predetermined rule sets;
a user interface for programming execution sets of commands in association with predetermined ones of said higher level logs; and
program means for receiving said higher logs, parsing each of said predetermined ones of said higher level logs to determine their respective sources, and triggering execution of said commands in said execution sets in respect of each of said respective sources.
2. The network administration system of claim 1, wherein said user interface provides ordered execution of multiple commands associated with said higher level logs in accordance with user preference.
3. The network administration system of claim 1, wherein said user interface and program means are implemented within one of said network devices.
4. A method of triggering commands in response to receipt of status logs generated by network devices and applications comprising the steps of:
providing rule sets that are satisfied by receipt of particular combinations of at least two

different status logs and when satisfied, result in the generation of higher level logs; programming execution sets of said commands in association with predetermined ones of said higher level logs; receiving said status logs and said higher level logs; and parsing each of said predetermined ones of said higher level logs to determine their respective sources and triggering execution of said commands in said execution sets in respect of each of said respective sources.

5. The method of claim 4, wherein said step of receiving said status logs and said higher level logs, parsing each of said predetermined ones of said higher level logs to determine their respective sources and triggering execution of said commands in said execution sets further comprise the steps of:
 - a) detecting an execution set associated with a received higher level log; and
 - b) executing each successive commands in said execution set.

6. The network administration system of claim 1, wherein said means for receiving said status logs and generating higher level logs includes means for generating further higher level logs in response to receipt of at least one of:
 - a) at least two different higher level logs; and
 - b) at least one higher level log and at least one status log.

7. The method of claim 4, wherein providing rule sets includes providing rule sets that are satisfied by receipt of particular combinations of at least one of:

- a) at least two different higher level logs; and
- b) at least one higher level log and at least one status log.